

REMARKS

This Priority Claim and Amendment Under 35 USC §120 and 37 CFR §1.78 is filed subsequent to a Notice of Appeal filed February 12, 2002, which appeals the rejection in the final Office Action of August 24, 2001, of all pending claim 12-18. A Petition for Extension of Time with fee payment authorization is filed concurrently herewith to extend the time for reply for two (2) months (i.e., until June 12, 2002), as Applicant expects to file a further reply and/or a continuing application after May 12, 2002.

Applicant herein amends the application to claim the benefit of application Ser. No. 09/039,933, filed March 16, 1998, now U.S. Pat. No. 6,047,887, and its ancestor applications which are related as a series of continuing applications, including original application Serial No. 07/794,112, filed Nov. 15, 1991, now U.S. Patent No. 5,453,601.

Applicant respectfully submits that the present amendment should be entered as a matter of right as it is not related to the merits of the application (e.g., vis-à-vis outstanding rejections), and is made pursuant to the applicable Rule 78 for claiming the benefit of a prior filed co-pending application in accordance with 35 U.S.C. §120.

If any additional information is needed, or there are any issues, the Examiner is invited to contact the undersigned at the telephone number below.

The Examiner's attention to this matter is gratefully acknowledged.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for this submission, including any fee required (or deficiency in fee submitted) for an extension of time, or to credit any overpayment to Deposit Account 13-4500, Order No. 0225-4161US16. **A DUPLICATE OF THIS SHEET IS ATTACHED.**

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: May 10, 2002

By:



David V. Rossi

Registration No. 36,659

CORRESPONDENCE ADDRESS:

MORGAN & FINNEGAN, L.L.P.

345 Park Avenue

New York, New York 10154

(212) 758-4800 Telephone

(212) 751-6849 Facsimile